MONTANA LEGISLATIVE HISTORY

Chapter 150 ~~19~~ 2001

Bill H 298 S _____ Original bill & history ____C

H. Committee on Local Gov.			S. Committee on Local Gov		
Hearing Date(s)	1-30	✓ C	Hearing Date(s)	3-6	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	_____	____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HEARING ON HB 298

Sponsor: **Representative Tom Facey, HD 67, Missoula**

Proponents: **Mike Kadas, Mayor of Missoula**
Alec Hansen, MLCT
Byron Roberts, Mt. Building Association
Joe Mazurek, Helena Attorney
Janie McCall, City of Billings

Opponents: none

Informational Witnesses: **Eric Felig**

Opening Statement by Sponsor: **Rep Tom Facey, HD 67, Missoula.** Introduced HB 298 dealing with building codes. This is a complex and highly controversial issue.

Proponents' Testimony: **Mike Kadas, Mayor of Missoula.** This bill would allow our city council to control the city building codes. This authority needs to be returned to local government. ***{Tape : 1; Side : A; Approx. Time Counter : 0 - 3.4}***

Alex Hanson, League of Cities and Towns. Our association worked on the drafting of this bill and give it our full support. ***{Tape : 1; Side : A; Approx. Time Counter : 3.4 - 4.2}***

Opponents' Testimony: None

Questions from Committee Members and Responses: Tape recorder did not work.

Closing by Sponsor:

HEARING ON HB 210

Sponsor: **Rep Rick Ripley, HD 50, Wolf Creek**

Proponents: **Mike Murphy, Mt. Water Res. Assoc.**
Jim Foster, Manager Helena Valley Irrigation

Opponents: None

Opening Statement by Sponsor:

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

LOCAL GOVERNMENT COMMITTEE

DATE 1/30/01 Bill NO. 298 NUMBER

MOTION: Rep. Laslovich move HB 298 Do Pass

Name	AYE	NO
REP. MARK NOENNIG	✓	
REP. ROD BITNEY, V C MAJORITY	✓	
REP. JEFF MANGAN, V C MINORITY		
REP. JOAN ANDERSON	✓	✓
REP. LARRY CYR	✓	
REP. DENNIS HIMMELBERGER	✓	
REP. RICK LAIBLE	✓	
REP. BOB LAWSON	✓	
REP. JAMES WHITAKER	✓	
REP. JOHN ESP	✓	
REP. BRAD NEWMAN	✓	
REP. JESSE LASLOVICH	✓	
REP. HAL JACOBSON	✓	
REP. CINDY YOUNKIN	✓	
REP. BILL PRICE	✓	
REP.KEN PETERSON	✓	
REP. EILEEN CARNEY	✓	
REP. MICHELLE LEE	✓	

17 0

no proxy

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Local Government** report that **House Bill 298** (first reading copy – white) **do pass.**

Signed: Rod Bitney
Representative Mark Noennig, Chair

- END -

Committee Vote:
Yes 17, No 0.

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MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER
LOCAL GOVERNMENT COMMITTEE

BILL NO. HB 298 DATE 1-30-01

SPONSOR(S) T. Facey

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE CIRCLE	NAME	ADDRESS	REPRESENTING
(P) O I	Joe MAZUREK	Helena	City of Gt Falls
P (O) I	BILL JELLISON	COMMERCE	BLDG CODES
P (O) I	Eric Fehlig	Commerce	Build. Codes
(P) O I	Byron Roberts	MT Building Ind	Helena
(P) O I	Jami McCall	Billings	City of Billings
(P) O I	Alec Hansen	Helena	MLCT
(P) O I	Mike Keeler	Missoula	City of Missoula
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

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HEARING ON HB 298

Sponsor: **REP. TOM FACEY, HD 67, MISSOULA**

Proponents: **Bruce Bender, Director, Public Works, City of Missoula**
Alec Hansen, MT League of Cities/Towns
Joe Masurek, City of Great Falls
Cliff Christian, MT Building Industry Assoc.
Jani McCall, City of Billings

Opponents: **None**

Informational Testimony: **Eric Fehlig, Building Codes Division, Department of Commerce**

Opening Statement by Sponsor:

REP. TOM FACEY, HD 67, MISSOULA. Cities and counties must adopt the code that the Department of Commerce supports. This bill will allow cities and counties to do this in a different way. The current law states that the city or county commissioners had to adopt the code by ordinance. This bill would allow them to adopt the code by ordinance or by administrative action. Administrative action means an action by the mayor or some designated person on the city or county commission.

Proponents' Testimony:

Bruce Bender, Director, Public Works, City of Missoula. This bill will enable efficiencies for the cities and counties to adopt codes. The state is in a dutiful and responsible role as they update their codes as the codes are being updated nationally. He showed two of the six volumes they work with right now. Every two to three years, the state is upgrading and adopting the latest national codes that come forward. The cities and counties then must adopt what the state has adopted. Currently they have to go through a lengthy ordinance process with public hearings. This bill gives the cities and counties the opportunity to adopt the codes administratively.

Alex Hansen, MT League of Cities/Towns. His organization supports the bill. It is permissive and not mandatory. Adopting technical codes by administrative action makes sense.

Joe Masurek, City of Great Falls. The city supports the bill for many of the reasons already given. One concern of cities is that when the code is updated and the state adopts it, the local communities have a very tight time frame of 90 days which they,

in turn, have to adopt the revisions. If they miss the deadline or get the process started late, they can't update the code for another two years or so. This bill provides a more simplified process and will help them a great deal in adopting revised codes.

Cliff Christian, MT Building Industry Assoc. As builders, they are the ones that face the building codes and work with them on a daily basis. There have been some revolutionary changes in the building codes that have streamlined the efficiency process and time is money. The process, hopefully, will be done with administrative action and will provide citizens with the necessary safeguards rather than with the archaic ordinances that are currently used.

Jani McCall, City of Billings. The city supports the bill. There was a great deal of contention around extended jurisdiction and building codes. What the city did in the interim, was to put together a working group which was made up of legislators, city council, city staff and also county commissioner. They worked out the issues and came up with the administrative process that helped solve the issues around the extended jurisdiction. A compromise was reached that solved most of those issues.

Opponents' Testimony: None

Informational Testimony:

Eric Fehlig, Attorney, State Building Codes Division, Department of Commerce. The bill allows a discretionary portion of the ordinances that the cities and counties can adopt. Once that decision is made, the rest is non-discretionary. They have to adopt exactly what the state has adopted. This will save time and effort.

Questions from Committee Members and Responses:

SEN. DUANE GRIMES asked if the cities and counties can adopt more stringent building codes than the state adopts. **Eric Fehlig** said no. The local governments cannot adopt anything other than what the state has adopted. The reason is the state wants a statewide code to guide all cities and counties.

SEN. GRIMES felt that the City of Helena had a different building code than areas outside the city. He felt that within the city, there were more stringent codes. **Mr. Fehlig** said if the local government is not enforcing the building codes, the burden falls upon the State Building Codes Division. For instance, here in Helena, the city enforces building codes within the city limits.

Outside the city limits and in the county, it is enforced by the State Building Codes Division. The codes for a commercial building built in the county versus the city are the same. The option for local governments is that they may enforce building codes on residential structures. If it is in the state's jurisdiction, the state is precluded from forcing building codes on residential constructions. The state still enforces the electrical and plumbing codes.

SEN. GRIMES thought he might be mistaking right-of-way corridors. This would be more in planning issues and not the building codes. Would this bill allow cities to develop more stringent codes for residential constructions. **Mr. Fehlig** said the cities, as part of their all encompassing ordinance, could decide that they would enforce building codes, plumbing, electrical, mechanical codes and enforce it on buildings. That is the discretionary part. Once that has been established, the rest will be done by ordinance.

SEN. GRIMES did not want to allow for tougher or broader regulations to take place through administrative rule. **Cliff Christian** responded that they had looked at the bill very closely and the cities and counties cannot be any more stringent than the state codes.

CHAIRMAN DALE MAHLUM wanted to know if the City of Missoula could put undue restrictions on the big building going up by the airport in Missoula. **Mr. Bender** said no. It would not affect, in any way, what they could enforce in what is being done. Currently, the city is required by the state to adopt these codes by ordinance; this bill only allows them the possibility to adopt by administrative action. The actual enforcement of the code or the code, itself, is not being changed.

Closing by Sponsor:

REP. FACEY closed. This bill would not allow the engineers to order ten inch walls when the state requires six. If the bill were to pass, there would be a notification to the state in the form of a letter saying the codes have been adopted. That is important for the lawyers who like to sue each other. If the city council or the county commissioners give the authority to have the codes adopted by administrative action, they can also take it away. It is optional both ways.

EXECUTIVE ACTION ON HB 179

Motion: **SEN. HARGROVE** moved that **HB 179 BE AMENDED EXHIBIT(los51a06).**

Discussion:

SEN. HARGROVE informed the committee that his group had met with the sponsor and prepared an amendment which satisfied the subcommittee. He gave a handout **EXHIBIT(los51a07)** that showed what the bill with the amendment was addressing. The subcommittee tried to make the amendment as simple as possible. The amendment used the figures of $100,000 and $200,000 as well as allowing for other values of homes in the district to be used, if appropriate.

SEN. CHRISTIAENS felt that as a member of the subcommittee, it was important to show what an increase cost would be on two different values. People would not be misled with two different values being shown.

SEN. GRIMES said that would show people it is not necessarily proportional. He then asked was the issue of changing values on a mill address?

SEN. HARGROVE said that it had been pointed out to the subcommittee that it didn't make any difference. Whoever is going to be assigning those numbers is going to be addressing whatever the value happens to be in that area. If economic values go up or down, there will be changes. But to make the bill anymore complicated would be a mistake.

Vote: Motion that **HB 179 AMENDMENT BE ADOPTED carried 8-0.**

Motion/Vote: **SEN. COBB** moved that **HB 179 BE CONCURRED IN AS AMENDED. Motion carried 7-1 with Miller voting no.**

EXECUTIVE ACTION ON HB 298

Motion/Vote: **SEN. COBB** moved that **HB 298 BE CONCURRED IN. Motion carried 8-0.**

EXECUTIVE ACTION ON HB 257

SEN. CHRISTIAENS first asked who audits the county auditor. The county auditor is responsible for making sure the claims are within the policy standards. If the commissioners can overrule

SENATE STANDING COMMITTEE REPORT

March 7, 2001

Mr. President:

We, your committee on **Local Government** recommend that **House Bill 298** (third reading copy – blue) **be concurred in.**

Signed: _____
Senator Dale Mahlum, Chair

To be carried by Senator John Bohlinger

- END -

Committee Vote:
Yes 8, No 0.

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DATE 3-6-01

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 257

HB 298

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Susan Reed	721-5700	Missoula County	257		X
Danette Harrington	497-6206	Butte Silver Bow	257		X
Joyce Schmidt	582-3078	Gallatin County	257		X
Susan Lupo	256-2721	Yellowstone Co.	257		X
Gordon Morris		MACo	257	✓	
Tom Stelly	454-6815	Cascade Co Comm	257	✓	
Jennifer Smith Mitchell	582-3000	Gallatin Co. Commission	257	✓	
Eric Fehlig	841-2043	Depart. of Commerce Building Codes D.	HB 298	Informational	
Mona Jamison	442-5581	Helena city	257	✓	
Bruce Bender	523-4621	City of Missoula	HB 298	✓	
Joe MAZUREK	727-2000	City of Gt Falls	HB 298	✓	
Cliff Christian	442-0202	MT Bldg Ind Assn	HB 298	✓	
Tami McCall	442-0211	City of Bozeman	HB 298	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY